

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 10-20705

ALI DARWICH,

Defendant.

ORDER DENYING DEFENDANT’S MOTION FOR RECONSIDERATION

On October 23, 2012, pro se Defendant Ali Darwich filed a motion for reconsideration through his stand-by counsel. Defendant seeks reconsideration of the court’s orders denying his “Motion to Determine Marital Privilege and Quash Evidence Related to Wife and for Evidentiary Hearing (Doc. #491); his “Motion to Dismiss Indictment and Request for Evidentiary Hearing” (Doc. #497); and his “Motion to Quash” (Doc. #498). In support of his motion, he attaches exhibits which purport to be documents translated from Arabic to English which somehow “prove” his alleged marriage to Fatima Toufali.

Local Rule 7.1 provides that a motion for reconsideration shall be granted if the movant can (1) “demonstrate a palpable defect by which the court and the parties have been misled,” and (2) “show that correcting the defect will result in a different disposition of the case.” E.D. Mich. LR 7.1(h)(3). “A ‘palpable defect’ is ‘a defect that is obvious, clear, unmistakable, manifest, or plain.’” *United States v. Lockett*, 328 F. Supp. 2d 682,

684 (E.D. Mich. 2004) (citing *United States v. Cican*, 156 F. Supp. 2d 661, 668 (E.D. Mich. 2001)).

Defendant wholly fails to identify a single palpable defect in any of the decisions noted above. First, the court is unpersuaded that the attached documents definitively establish a lawful marriage with Ms. Toufaili. Further, even if they did, Defendant has failed to identify order whose result would change if the court would now accept Defendant's position. Instead, Defendant continues to relitigate decided issues. A motion for reconsideration that presents "the same issues ruled upon by the court, either expressly or by reasonable implication," will not be granted. E.D. Mich. LR 7.1(h)(3); *Czajkowski v. Tindall & Assocs., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). As Defendant is simply revisiting his already resolved motions with unpersuasive evidence, reconsideration will be denied. Accordingly,

IT IS ORDERED that the Defendant's motion for reconsideration [Dkt. # 548] is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 26, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 26, 2012, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522